

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LAM RESEARCH CORPORATION,

Plaintiff,

v.

SUBHASH DESHMUKH,

Defendant.

Case No. C04-5435FDB

ORDER DENYING MOTION FOR  
EXPEDITED TRIAL DATE

Defendant moves for an expedited trial date, citing professional and personal harm in working in a relatively low level position at Applied Materials where he does not earn as much, has been unable to earn bonuses, and opportunities for professional development. Defendant seeks to have the trial in July 2005.

Plaintiff objects to expediting the trial because Defendant is working at Applied Materials, although not on the directly competing product; discovery has been difficult thus far, and likely will be lengthy because of the confidential nature of the information required and the need to mark such discovery as "Attorneys' Eyes Only" under the Protective Order in place and because discovery will be required of Applied Materials, a non-party; expert discovery and reports also need to be considered. Plaintiff also notes that Defendant was aware of the potential legal ramifications of


1 accepting competitive employment with Applied Materials. Plaintiff cites e-mail exchanges  
2 indicating his and his recruiters' awareness of potential conflicts. Plaintiff recognized the potential  
3 for legal problems when he stated to Ashok Sinha at Applied Materials, "I am sure that Applied can  
4 address any legal threats from Lam if I work on the Enabler ... ." (Baehr Dec. At Ex. F.)

5 Bearing in mind the situation with discovery in this case and all the things that must be  
6 accomplished before the case is ready for trial, the current trial date appears most appropriate.

7 Moreover, the Court's schedule will not accommodate the requested trial date.

8 NOW, THEREFORE, IT IS ORDERED: Defendant's Motion for Expedited Trial Date [Dkt  
9 # 180] is DENIED.

10 DATED this 9<sup>th</sup> day of June, 2005.

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13 FRANKLIN D. BURGESS  
14 UNITED STATES DISTRICT JUDGE  
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